CHAPTER 2—DETERMINING WHICH REGULATIONS APPLY TO YOUR SHOP

OVERVIEW OF THE CLASSIFICATIONS

Classifying your shop to determine which regulations you must follow is your first task.
The classifications covered in this manual are:

2.1 Occupational Safety & Health Administration (OSHA)

- ❑ Tally the number of employees you have to determine if your shop must have a written Emergency Action Plan and whether your shop must comply with OSHA 101 and 200 recordkeeping responsibilities.
- ❑ Review Chapter 6 to determine the OSHA postings that are required to be placed in your shop and to determine other applicable requirements.

2.2 Indiana Department of Fire & Building Services

- ❑ Determine the type of work performed by your shop (e.g., welding vs. simply exchanging parts, etc.)
- ❑ Determine if your shop uses or generates flammable or combustible liquids or flammable gases, including incompatible materials that must be separated when stored.

2.3 Department of Transportation (DOT)

- ❑ Does your shop ship hazardous material/waste off-site?
- ❑ Does your shop use a vehicle for the purpose of performing business (making deliveries, towing customer vehicles, etc.?) If so, determine the gross vehicle weight rating or gross combination weight rating of the vehicle(s.)
- ❑ Determine the types of materials transported by your shop's vehicles.

2.4 Water - (under the Clean Water Act)

- ❑ Determine the location of your bay drain's outfall (discharge pipe) to determine the rules you must follow and/or the permits you need.
- ❑ Contact your local water company to see if you are located in a wellhead protection area and required to follow specific rules if you have a spill.

2.5 Air - (under the Clean Air Act)

- ❑ Determine if you use chlorinated solvents for degreasing/parts cleaning and, if so, the container size and concentration of the solvent.
- ❑ Does your shop service motor vehicle air conditioning (MVAC) systems?
- ❑ Does your shop have unpaved parking areas or unpaved access streets?
- ❑ Does your shop replace catalytic converters?
- ❑ Does your shop use solvents for parts cleaning, and are you located in Lake, Porter, Clark or Floyd county?

2.6 Hazardous Waste - [under the Resource Conservation & Recovery Act (RCRA)]

- ❑ Determine your generator classification and applicable regulations by calculating the amount of hazardous waste you generate and store, including the length of time stored.

If you do not properly classify your shop, you may be following the wrong rules. This mistake could result in a fine and possible jail sentence depending on the severity of the violation.

2.1 CLASSIFYING FOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REGULATIONS

Note that the Indiana Department of Labor is responsible for enforcing OSHA regulations in the state of Indiana. The Bureau of Safety Education and Training (BuSET) is a division of the Department of Labor. BuSET provides assistance to businesses through presentations, training programs, written guidance, and site visits.

All shops must have a written Hazard Communication Program, a written Lockout/Tagout Program, and must comply with all applicable OSHA General Industry Standards, including providing personal protective equipment to employees who may potentially be exposed to hazards.

Shops that have 11 or more employees must comply with OSHA 101 and 200 recordkeeping responsibilities, and must also have a written Emergency Action Plan. Shops with 10 or fewer employees are not required to have a written Emergency Action Plan, but must verbally communicate the plans to employees. These shops are also exempt from OSHA 101 and 200 recordkeeping responsibilities. Note that the Department of Labor may request that you keep certain records as part of a survey that they conduct, and you are required to comply if such a request is made.

When tallying your employees, you must:

- include everyone in the **entire company** (if you have more than one vehicle maintenance shop, count the employees in both/all shops.)
- count full-time, part-time, and seasonal employees toward your total number of employees.
- if you had 11 or more employees (even for only one day during the calendar year), you must comply with OSHA 101 and 200 recordkeeping responsibilities and have a written Emergency Action Plan.

To assist you in writing your own plans, an example of each of the following is provided in Attachments B through E of this manual:

- Emergency Action Plan
- The Hazard Communication Program
- Lockout/Tagout Program
- Personal Protective Equipment Guide

This attachment also includes information on the basic requirements of personal protective equipment. More detailed sample plans are available free of charge from BuSET. You may use the order form on the Fax-On-Demand system to order these plans.

EXAMPLE:
Our "typical" shop has 5 full-time employees, 4 part-time employees, and 1 seasonal employee. Because there are no more than 10 employees, the shop must have the following written programs, which are required for all shops:

- **Hazard Communication Program**
- **Lockout/Tagout Program**

To protect the employees' health and safety, our "typical" shop has elected to follow the requirements of the larger classification (11 or more employees), so the shop also:

- **has a written Emergency Action Plan**
- **complies with OSHA 101 and 200 recordkeeping responsibilities.**

2.2 CLASSIFYING FOR FIRE & BUILDING SERVICES REGULATIONS

All shops are required to have an oil water separator. The capacity of the separator depends on the size of the area draining into the separator. Contact CTAP or the Indiana Department of Fire & Building Services for more information.

The classification of your building itself depends on the type of work that you perform. If you weld, use any open flame, or spray paint, your building must meet the more stringent Class H building code requirements than if your shop simply exchanges parts. Each shop has its own unique description in terms of its size, type of work performed, location of the structure (including surrounding structures), etc. The building requirements that you must follow depend upon all of these unique factors. To obtain information specific to your shop, contact the Plan Review Division of Fire & Building Services and ask to speak with the reviewer who is handling pre-filing review questions.

As with the building classifications, the regulations covering flammable, combustible and incompatible materials are usually case specific. Please note that this manual addresses only the general requirements of the Indiana Department of Fire & Building Services. Many of these regulations depend upon a number of variables, making the regulations extremely case specific. To further complicate matters, at the time of printing of this manual, many of the Fire & Building Services regulations are in the process of being amended. New regulations are due to take effect in the spring of 1998.

If you need more specific information on complying with fire safety requirements, contact the

Plan Review Division of Fire & Building Services or call CTAP for assistance. For information specific to your shop, send a letter detailing the situation, including a photo, to the Plan Review Division of the Indiana Department of Fire & Building Services. The Department will respond to your letter in writing.

2.3 CLASSIFYING FOR DEPARTMENT OF TRANSPORTATION (DOT) REGULATIONS

Hazardous Materials and Hazardous Wastes

All vehicle maintenance shops that ship hazardous waste off-site are subject to DOT regulations, including labeling requirements, selecting proper containers for shipping, and employee training. These requirements are addressed in Sections 3.5, 4.4, 4.6 and Chapter 5. A listing of commonly used DOT shipping descriptions is also available via the Fax-On Demand system or from IDEM's web site.

Additional DOT regulations apply to shops that use vehicles in the day-to-day operations of their business. These regulations depend on the gross weight of the vehicle (this weight includes the weight of the shop's vehicle plus the weight of any vehicle that it is towing) and the types of materials transported by the shop's vehicle. See the Tow Truck section in Chapter 5 for more information.

2.4 DETERMINING APPLICABLE WATER REGULATIONS

Determining if Your Shop is Subject to Wastewater Regulations

All shops are subject to industrial wastewater regulations administered by IDEM's Office of Water Management and/or your local wastewater treatment plant. The regulations that you must follow depend on where your bay drains discharge and the contaminants in your shop's wastewater. To determine the specific regulations that apply to your shop, see the Wastewater section in Chapter 5.

Determining if Your Shop is Located in a Wellhead Protection Area:

Indiana's Wellhead Protection Program is designed to protect groundwater drinking supplies from pollution that can threaten health, lives, and community development. The program reduces the potential for contaminants to enter ground water (which supplies approximately 60% of the state's drinking water) by identifying and managing areas where the ground water supplies specific wells or wellfields.

Note that the Wellhead Protection Program is a new program that has not yet been fully implemented. It is your responsibility to stay up-to-date with new regulations and to comply with them. Contact your local public water supplier to see if your shop is located in a

wellhead protection area. If you are in a wellhead protection area, you need to be aware of regulations that are being developed in your community as a result of new state regulations (327 IAC 8-4.1.)

2.5 DETERMINING APPLICABLE AIR REGULATIONS

Motor Vehicle Air Conditioning (MVAC) Service or Repair

Automotive repair shops that service MVAC systems are required to use EPA-approved recovery and/or recycling equipment and to allow only technicians certified by an EPA-accredited training program to perform MVAC work. See Chapter 5 for information and requirements pertaining to the use, handling and transfer of recovered refrigerants. Information on EPA-approved equipment and EPA-accredited training programs is available via the Fax-On-Demand system.

Chlorinated Solvents (for Parts Washing, etc.)

Chlorinated solvents (see listing below) that are used in containers with a capacity of 2 gallons or greater are highly regulated by the EPA. Any non-chlorinated solvent that has a chlorinated solvent content of two percent (2%) or more will also fall under this regulation. As of December 1997, shops using chlorinated solvents in the quantities or percentages described above must follow the regulations under the National Emission Standard for Hazardous Air Pollutants (NESHAP). The NESHAP will require shops to install equipment and to implement standardized work practices to reduce the emissions of hazardous air pollutants. Because the regulatory requirements for this activity are complex, CTAP recommends that shops using chlorinated solvents discontinue this activity by substituting more environmentally friendly cleaning solutions (a list of solvent vendors is available via the Fax-On-Demand system.) As stated in Chapter 1, this manual does not address the chlorinated solvent NESHAP in detail. *Contact CTAP for assistance.*

Chlorinated Solvents

chlorobenzene (monochlorobenzene or benzene chloride)
trichloroethylene (trichloroethane, ethinyl trichloride)
chlorinated fluorocarbons
methylene chloride (dichloromethane, methylene dichloride, methylene bichloride)
tetrachloroethylene (perchloroethylene, ethylene tetrachloride, tetrachlorethylene)
1,1,1-trichloroethane (methyl chloroform, chlorothene)

If your shop uses products that contain chlorinated solvents and pretreats parts prior to cleaning them in the solvent sink/parts washer, your used solvent/cleaning solution will automatically be a hazardous waste. This is because chlorinated solvents are *listed* hazardous wastes (see the Fax-On-Demand system for the listed hazardous wastes.) Anytime a waste is contaminated with a listed hazardous waste, the mixture is automatically considered to be a hazardous waste, regardless of the concentration of listed waste.

Using only a small quantity of liquid chlorinated solvents may result in your shop's needing to follow significant environmental regulations.

If your shop pretreats its parts using a product that contains chlorinated solvents, the solvent/solution in your parts washer will automatically be a hazardous waste. Check the labels of each of your pretreatment products, and, if possible, discontinue using products that contain chlorinated solvents.

Fugitive Dust from Unpaved Parking Lots

If your shop has unpaved parking lots, you must prevent the dust associated with these lots from blowing off of your property. Under **no** circumstance should you apply used oil as a dust suppressant. You may obtain a list of dust suppressants and suppliers through the Fax-On-Demand system.

Catalytic Converters

When catalytic converters are replaced, there are specific steps that a shop must take to ensure that the proper replacement part is used. In addition, shops must complete paperwork for each catalytic converter that is replaced, keep the old catalytic converter at the shop for a minimum of 15 days, and keep paperwork on file for at least 2 years.

Solvents Used by Shops in Lake, Porter, Clark and Floyd Counties

A 1998 air regulation restricts the type of solvent that may be used in these four counties. The restrictions will be phased in, beginning in 1999. In 2001, the regulation will further restrict the type of solvent used in these four counties. This rule is under development at the time of publishing this manual. As information on this rule becomes available, it will be placed on the Fax-On-Demand system. You may also call CTAP for assistance.

Automotive Refinishing

Automotive refinishing involves processes that release hazardous pollutants and/or volatile organic compounds into the air. If your shop performs auto refinishing (except for touch-up application with aerosol cans), you may need to obtain a permit from IDEM. As stated in Chapter 1, this manual does not address automotive refinishing. *Contact CTAP for assistance.*

2.6 CLASSIFYING YOUR SHOP TO DETERMINE ITS

HAZARDOUS WASTE GENERATOR STATUS

A. Is Your Shop a Conditionally Exempt Small Quantity Generator, a Small Quantity Generator, or Large Quantity Generator of Hazardous Waste?

Under the Resource Conservation and Recovery Act (RCRA), hazardous waste generators are classified according to how much hazardous waste they generate in a calendar month. Your hazardous waste generator status will determine the rules you must follow to be in compliance with federal waste regulations. As mentioned in Chapter 1, our typical vehicle maintenance shop is a small quantity generator of hazardous waste.

GENERATOR STATUS	HAZARDOUS WASTE GENERATED	HAZARDOUS WASTE STORED ON-SITE
Conditionally Exempt Small Quantity Generator (CESQG)	Less than or equal to 220 pounds per month (approximately one half of a 55-gallon drum)	Maximum accumulation of 2,200 pounds (approximately four 55-gallon drums)
Small Quantity Generator (SQG)	Between 220 and 2200 pounds per month (approximately one half to four 55-gallon drums)	Maximum accumulation of 13,228 pounds (approximately thirty 55-gallon drums) **and** maximum storage time of 180 days*
Large Quantity Generator (LQG)	2200 pounds or more per month (more than four 55-gallon drums)	Maximum storage time of 90 days

**Hazardous waste that is transported more than 200 miles away for recovery, treatment, or disposal can be stored for up to 270 days.*

These hazardous waste cutoffs are based on:

1) a calendar month, **not** a rolling average; and
2) the quantity you generate, not the amount you ship off-site for recycling, fuel blending or disposal. The quantity generated includes:
   - the amount that is recycled on site
   - the wastewater removed from your holding tank (if the wastewater is determined to be a hazardous waste), but does not include wastewater discharged to the sanitary sewer. See the Wastewater section in Chapter 5 for more information.

CESQG vs SQG
BASIC REQUIREMENTS - COMPARISON CHART

Note that there are additional requirements for SQGs that store Hazardous Waste (HW) in tanks. Call CTAP for assistance.

This table does not address Large Quantity Generator (LQG) requirements.

CESQG	SQG
Generate less than 220 lbs. of hazardous waste per calendar month. Identify and quantify your hazardous waste generated per month. Maintain records of the quantity generated each month. Store no more than 2,200 lbs. of hazardous waste at any one time. Properly manage your hazardous waste (i.e., by recycling, laundering shop towels, etc.) or ensure delivery to a permitted disposal facility. May use standard bill of lading or federal uniform hazardous waste manifest (i.e., not IDEM's manifest) as a shipping document.	Generate between 220 lbs. and 2,200 lbs. of hazardous waste per calendar month. Identify and quantify your hazardous waste generated per month. Maintain records of the quantity generated each month. Store no more than 13,228 lbs. of hazardous waste at any one time **AND** not exceed the maximum storage time of 180 days (270 days if your hazardous waste is transported more than 200 miles). Obtain an EPA I.D. number. Use appropriate state's hazardous waste manifest as shipping document. Use a registered hazardous waste transporter with an EPA I.D. number. Properly manage your hazardous waste (i.e., by recycling, laundering shop towels, etc.) or ensure delivery to a treatment, storage, disposal or recycling facility. Use proper container management practices: **S** mark containers with the words "Hazardous Waste" as soon as waste is first introduced into container. **S** mark each container with the date waste is first introduced into it, or when taken to storage, if satellite accumulation is used. **S** add flammable label, if applicable, when waste is first introduced. **S** store wastes in containers made of materials compatible with the waste. **S** keep all containers of HW closed, except when adding or removing material. **S** inspect containers weekly. **S** maintain containers in good condition. Hazardous Waste storage area must have: **S** alarm or voice signal to provide emergency instructions. **S** telephone nearby to call emergency personnel. **S** emergency numbers posted near the telephone. **S** fire extinguishers nearby. **S** spill control equipment nearby. **S** water & hoses, foam equipment or automatic sprinklers. **S** sufficient aisle space to allow full inspection of each container.

B. What is Hazardous Waste?

To be a hazardous waste, the material under consideration must first be classified as a solid waste. It is important to note that the term "solid" does not refer to the physical state of the waste.

Instead, solid waste refers to any material that you will no longer be using for its originally intended purpose or a material that must be reclaimed before it can be reused. Solid waste can be a solid, a liquid, or a contained gas.

Not all solid wastes are considered to be hazardous wastes. Hazardous wastes may be one of two types: **listed** waste or **characteristic** waste. The waste is a **listed** hazardous waste if it appears on one of four lists published in the Code of Federal Regulations. (To assist vehicle maintenance shops in reviewing the listed wastes, CTAP has placed the three lists that are relevant to shops on the Fax-On-Demand system.) A waste is a **characteristic** waste if it demonstrates one or more of the following characteristics:

- **S** ignitable - examples include gasoline, diesel fuel, and some degreasers and solvents.
- **S** corrosive - examples include battery acid and some condenser cleaners.
- **S** reactive - examples include sodium azide, which is found in undeployed air bags, and other materials that are unstable, react violently with or form explosive mixtures with water, generate toxic gases or vapors when mixed with water or are capable of detonating or exploding when heated or subject to shock.
- **S** toxic - wastes that contain high concentrations of heavy metals, such as lead or cadmium, or that contain chlorinated solvents. Examples include used antifreeze, which may contain high concentrations of lead, and used immersion solutions that contain perchloroethylene. If you are uncertain as to whether or not a waste is toxic, you may have the waste tested using the Toxicity Characteristic Leaching Procedure (TCLP) or simply manage it as a hazardous waste.

If properly managed, some of your used products that would otherwise be a hazardous waste may be exempt from most of the hazardous waste regulations (e.g., lead-acid batteries, oil, oil filters, fuel, and fluorescent light tubes.) In order to be exempt from the hazardous waste regulations, you must follow alternative regulations developed by IDEM's Office of Solid and Hazardous Waste Management (OSHWM.) Examples of alternative regulations include the Used Oil Rule and the Universal Waste Rule.

For wastes that are not exempt from hazardous waste regulations, a hazardous waste determination must be made. A hazardous waste determination may be made by doing one or more of the following:

- determining if the waste contains a listed waste (i.e., did the product originally contain a chemical on the list of listed wastes, or has the product been contaminated with a precleaner, dirty part, etc. that contains or is contaminated with a listed waste?)
- determining if the waste exhibits any of the four characteristics of a hazardous waste: ignitability, corrosivity, reactivity, and toxicity.

To make a hazardous waste determination, you may have a representative sample of the waste tested by an appropriate laboratory, or, as the generator of the waste, you may apply your knowledge of the waste to determine if it is hazardous. Applying your own knowledge of the waste is referred to as using *generator knowledge* of the waste. Generator knowledge may be based upon published or documented waste analysis data that compares the specific process that generated your waste to those processes described in the publication/document. For more information on making a hazardous waste determination, obtain the guidance document *Understanding the Hazardous Waste Determination Process* from the Fax-On-Demand system.

As you can see, making a hazardous waste determination can be a complicated task. To assist you with this process, CTAP has compiled the following list of products commonly used by shops that, **when used and disposed**, are regulated as hazardous wastes. Note that products marked with an asterisk (*) may be recycled, eliminating the need for these products to be managed as a hazardous waste.

- Most **parts washing and immersion solutions**, including **brake cleaning solutions**
- **Gasoline or diesel fuel***
- **Battery acid** (spilled or otherwise removed from the battery)
- Some **disposable wipes or absorbents** (i.e., wipes that are contaminated with a hazardous waste)
- **Filters and still bottoms/sludge** (from on-site recycling operations)
- **CFC-12 (also known as R-12 or freon)** that is contaminated with other refrigerants
- **Wastewater** from your shop's holding tank (need to make a hazardous waste determination)
- Lead-acid **batteries***
- **Used oil*** (includes engine oil, transmission fluid, hydraulic fluid, refrigeration oil, compressor oil, lubricants and greases, and sludge from used oil tanks)
- **Used oil filters*** that have not been properly drained
- **Terne (lead) plated oil filters*** (used in semi trucks and other large vehicles)
- **Fluorescent light tubes***

- **Asbestos** is regulated as either a special waste or a hazardous waste. See Section 2.7 and the Brake & Clutch section in Chapter 5 for more information.

** If these used products are determined to be a hazardous waste and are being disposed, they must be managed as a hazardous waste. However, you may avoid managing them as a hazardous waste by following alternative regulations developed by IDEM. The alternative regulations generally ease your requirements. See the appropriate product section in Chapter 5 for more information on alternative management options for these products.*

Note that this list may not include all of the hazardous wastes that are generated by your shop. For more information on each of the products listed above, including guidelines for reducing or eliminating the amount of hazardous waste generated, see Chapter 5.

C. Changing Your Hazardous Waste Classification

Many automotive repair shops will alternate between being classified as a CESQG and an SQG. If you generate enough hazardous waste in one month to move to the next classification (for instance, from CESQG to SQG), you must comply with the much stricter standards of the larger class during the month(s) that you generate this increased volume of waste. These stricter standards include additional hazardous waste requirements as well as training requirements and emergency planning. Your goal as a small business should be to fit into the CESQG category, but to act as an SQG to ensure that your hazardous wastes are properly managed and to protect yourself from future liability associated with these wastes. Acting as an SQG will also prepare your shop to meet the stricter SQG requirements in the event that the shop generates enough hazardous waste to move to this classification.

If you find that you're in a situation that moves you from the SQG to the Large Quantity Generator (LQG) regulations, you will be required to meet additional requirements, including, but not limited to, conduct training and developing written plans. You may avoid these requirements by contracting the work to an outside company. For more information, call CTAP.

D. EPA Identification Number

Small Quantity Generators (and LQGs) must obtain an EPA identification number. EPA and states use these 12-character numbers to monitor and track hazardous waste activities. You will need to use your EPA ID when you manifest hazardous waste off site.

If your shop is an SQG (or moves into the SQG classification) and does not have an EPA identification number, you should contact IDEM's Office of Solid and Hazardous Waste Management (OSHWM) at 800/451-6027, ext. 2-7956 to request a copy of EPA application form 8700-12 *Notification of Regulated Waste Activity*.

E. CESQGs & Hazardous Waste Management

If you are a CESQG, IDEM does not prohibit you from discarding your non-liquid hazardous waste as part of your regular trash. However, you should **not** throw hazardous waste in the regular trash, because:

- your hazardous waste is subject to your hauler's and the disposal facility's approval. Disposal of hazardous waste may violate the contract with your hauler and/or disposal facility.
- even though your trash is taken to a site that is permitted to accept solid waste, you remain legally liable for it. If a hazardous material ends up in the soil or ground water, you can be held financially responsible for helping with the clean up.

- if you throw hazardous waste in with your regular trash, you cannot be certain of its final destination.
- there are health hazards associated with these wastes, and you do not want to harm anyone in your community. Keep in mind that children occasionally play around dumpsters and that children and trash collectors may be exposed to your hazardous wastes.

If you are a CESQG and wish to be excluded from full hazardous waste regulations, you must comply with the following requirements:

- Determine which of your wastes are hazardous;
- Generate no more than 220 pounds of hazardous waste each calendar month and store no more than 2,200 pounds of hazardous waste on site;
- Maintain records of the amount of hazardous waste generated each calendar month; and
- Properly manage your hazardous waste (i.e., by recycling, laundering shop towels, etc.) or ensure delivery to a treatment, storage, disposal or recycling facility.

Because our "typical" vehicle maintenance shop generates approximately one 55-gallon drum of hazardous waste per month, it is a Small Quantity Generator of hazardous waste.

Your goal as a small business should be to fit into the CESQG category, but to act as an SQG to ensure that your hazardous wastes are properly managed and to protect yourself from future liability associated with these wastes. Acting as an SQG will also prepare your shop to meet the stricter SQG requirements in the event that the shop generates enough hazardous waste to move to this classification.

F. Hazardous Wastes Generated by Vehicle Maintenance Shops

! Parts washing solutions

Parts washers are generally the largest hazardous waste generating process in a vehicle maintenance shop. Parts washing solutions may be comprised of any of the following:

- Stoddard solvent, mineral spirits or naptha (flash point below 140° F.)
  Used parts washing solutions with a flash point of 140° F or less are regulated as a hazardous waste due to ignitability and/or other hazardous waste characteristics. The storage and disposal of flammable and/or combustible hazardous wastes are also regulated by the Department of Fire & Building Services.

- High-flash solvents (flash point between 141° F and 200° F). Used high-flash solvents are not regulated as a hazardous waste unless:
  - **S** the solvent itself includes constituents that cause it to be considered a hazardous waste.
  - **S** a flammable precleaner or other material has contaminated the solvent, dropping the flash point to 140° F or less;
  - **S** the solvent has been contaminated with a precleaner or other material that contains a *listed* hazardous waste, such as toluene or chlorinated solvents (chlorobenzene, trichloroethylene, chlorinated fluorocarbons, methylene chloride, tetrachloroethylene and 1,1,1-trichloroethane.) Listed hazardous wastes are commonly found in brake cleaners and in carburetor and choke cleaners. See Section 2.6 for an explanation of listed hazardous wastes and refer to the Fax-On-Demand system for a copy of the listed wastes.

- Aqueous-based solvents. Used aqueous-based solvents are generally not regulated as a hazardous waste **unless** they are contaminated with precleaners that contain a *listed* hazardous waste, such as toluene or chlorinated solvents (chlorobenzene, trichloroethylene, chlorinated fluorocarbons, methylene chloride, tetrachloroethylene and 1,1,1-trichloroethane.) Listed hazardous wastes are commonly found in brake cleaners and in carburetor and choke cleaners. See Section 2.6 for an explanation of listed hazardous wastes and refer to the Fax-On-Demand system for a copy of the listed wastes.

  Note that used aqueous-based solvents are unlikely to be a flammable hazardous waste. However, if a flammable precleaner or other flammable material has sufficiently contaminated the solvent, the flash point could drop to 140° F or less, making the solvent a flammable hazardous waste.

Parts washers typically contain 25 to 30 gallons of solvent and, when disposed, generate 180 to 200 pounds of hazardous waste. If your shop has only one parts washer, you will come very close to the SQG threshold limit when the parts washer is serviced. Therefore, you will need to be careful not to generate much in the way of other hazardous wastes if you want to remain within the CESQG classification. If you are a CESQG and have two part washers serviced within any calendar month, your generator status will change from CESQG to SQG. See the Solvent sections in Chapter 5 for information on ways to reduce the amount of hazardous waste generated from your parts washer.

! Gasoline or diesel fuel (drained from tanks, filters or fuel lines)

Fuels that are either re-refined or used for their intended purpose (i.e., used in an engine or burned for energy recovery) are not considered to be a hazardous waste. Fuel that is disposed is considered to be an ignitable hazardous waste, and must be managed accordingly.

! Battery acid

Batteries that are recycled are not considered to be a hazardous waste. However, spilled battery acid and absorbent materials used to perform spill clean-ups may exhibit hazardous characteristic due to corrosivity and/or lead contamination from the lead plate inside the damaged battery. The clean-up of spilled acid from one leaking lead-acid battery can produce between 3 and 5 pounds of hazardous waste. You may prevent the generation of hazardous waste from an acid spill clean-up by storing your used batteries on a wire shelf and installing polyethylene spill trays **below** the shelf to catch any spilled acid. This practice will allow you to easily determine which battery is leaking and will allow you to collect the acid in the spill trays and return it to a used non-leaking battery that will be sent off-site for reclaiming. This practice will also avoid the generation of hazardous waste by eliminating the use of absorbent materials to clean up spills from leaking batteries.

! Disposable wipes or sorbents contaminated with a hazardous waste

Disposable wipes or sorbents contaminated with any of the following are considered to be a hazardous waste:

- cleaners that contain a *listed* hazardous waste, such as toluene or benzene, or chlorinated solvents (chlorobenzene, trichloroethylene, chlorinated fluorocarbons, methylene chloride, tetrachloroethylene and 1,1,1-trichloroethane.) Other listed hazardous wastes are commonly found in brake cleaners, carburetor and choke cleaners, and in upholstery cleaners. See Section 2.5 for an explanation of listed hazardous wastes and refer to the Fax-On-Demand system for a copy of the listed wastes.

  Check the product label or the MSDS sheet to determine if the products that you purchase contain any of the above-listed chemicals. If your products contain these chemicals, ask your supplier about the availability of products that are free of such chemicals.

- flammable, ignitable, or combustible liquids **if** the wipes are wet enough to drip or **if** the drum of wipes contains free liquids. Note that wipes and sorbents that are petroleum-contaminated may be managed under the Used Oil Rule rather than as a hazardous waste.

You may avoid generating a hazardous waste by using wipes that can be cleaned by a commercial industrial launderer. Wipes that are sent to a commercial laundry are not regulated as a hazardous waste, provided they are not used to clean up spills of hazardous materials or hazardous wastes (i.e., the policy exempting laundered wipes does not apply to materials used for spill clean up.)

- **Filters and still bottoms (from on-site recycling operations**)
  Filters and still bottoms (sludge) from on-site recycling operations may be a hazardous waste. Even if you recycle a used product that is not considered to be a hazardous waste, the build up of contaminants on the filter or in the still bottom are likely to exhibit hazardous waste characteristics. If you are unsure of whether or not your filters or still bottoms are a hazardous waste, CTAP recommends that you treat them as hazardous wastes. The second option is to make a hazardous waste determination or use generator knowledge of the waste.

- **CFC-12 (also known as R-12 or freon)** that is contaminated with other refrigerants cannot be reclaimed or recycled and must be handled as a hazardous waste.

- **Wastewater**
  Depending upon the type and level of contaminants in your shop's wastewater, it may be considered to be a hazardous waste. However, when hazardous waste enters the sanitary sewer, it is no longer regulated as hazardous waste, but rather, is regulated by IDEM's Office of Water Management and the publicly owned treatment works (POTW) that receives the wastewater.

  If you discharge a substance into the sanitary sewer, which, if otherwise disposed, would be hazardous waste, you may need to submit a one-time notification to your local POTW and IDEM's Office of Solid and Hazardous Waste Management. This notification requirement is explained in the Wastewater section of Chapter 5.

  As a general rule, you should not discharge your waste products (even if they are not hazardous wastes) into the sewers prior to checking with your POTW because your wastewater must meet effluent limits (limits on the amount and type of contamination in the wastewater) set by the POTW or IDEM. These limits are set in order to avoid interference with the plant's operation or physical damage to the plant. Note that, in many cases, your oily wastewater may not be considered to be a hazardous waste, but may still fail to meet the POTW effluent limits. If your wastewater fails to meet the effluent limits, you must change your operating practices or pretreat (i.e., pre-clean) the wastewater to meet the POTW's effluent limits. Note that you must obtain a permit from IDEM's Office of Water Management if you are pretreating your wastewater.

  If your wastewater goes to a holding tank, your wastewater hauler will usually take responsibility for ensuring that it meets POTW limits or will take it to a permitted pretreatment facility. Although the wastewater hauler usually performs these services, you are responsible for ensuring that your wastewater arrives at a safe and legal final destination. If the wastewater in your holding tank is determined to be a hazardous waste, you are required to treat it as a hazardous waste, which includes counting it toward your hazardous waste generator status, manifesting your wastewater and having it hauled

by a hazardous waste hauler rather than a wastewater hauler. Some hazardous waste haulers will assist you in making a hazardous waste determination on your wastewater. See Section 2.6 for guidance on determining your generator status and for information on hazardous waste management requirements. Also refer to the Fax-On-Demand system for guidance on making a hazardous waste determination.

You may avoid many of the industrial wastewater requirements by becoming a "dry shop." See the Wastewater section of Chapter 5 for more information.

2.7 CLASSIFYING YOUR SHOP TO DETERMINE ITS SPECIAL WASTES GENERATOR STATUS

In addition to hazardous wastes, vehicle maintenance shops may also generate special wastes. Special waste is a type of waste that is somewhere between regular waste (trash) and hazardous waste. Special wastes do not exhibit hazardous waste characteristics, but are a concern to IDEM, OSHA and municipal solid waste landfills. Not all municipal solid waste landfills are permitted to accept special wastes. Those that do must follow specific requirements and must place certain types of special waste in designated sections within the landfill.

The following types of special waste are typically generated by vehicle maintenance shops:

- **asbestos-containing material**, such as dust from brake repair operations.
  In order to be regulated as a special waste, the asbestos generated by your shop must be "friable." Friable asbestos is defined as a material that contains more than 1% asbestos that, when dry, can be crumbled or reduced to powder by hand pressure. Asbestos-containing brake pads, clutch pads, and gaskets that are in good condition (non-friable) are not regulated and may be disposed with your regular trash.

  All regulated asbestos-containing special waste (i.e., friable asbestos containing material) must be managed as a special waste regardless of the quantity generated.

- **petroleum-contaminated material**, including:
  1) sludge from the clean-out of used oil storage tanks.
  2) soil and/or absorbent materials contaminated with petroleum-based products that do not containing polychlorinated biphenyls (PCBs). Examples of such petroleum-based products include oils, hydraulic fluid, kerosene, diesel fuel, and gasoline.

  As with hazardous wastes, only shops that: 1) generate 220 pounds of petroleum-containing special waste per month; or 2) dispose of petroleum-containing special waste in quantities greater than 2,204 pounds per shipment are subject to the special waste regulations.

A hazardous waste determination must be made on your special wastes. Any special waste that is determined to be a hazardous waste must be managed under the more stringent hazardous waste regulations.

If you are subject to the special waste rules, you must ship your special waste to a municipal solid waste landfill that has been designated to accept this type of waste. You may obtain a list of Special Waste Disposal Sites from the Fax-On-Demand system. If you wish to send your petroleum-contaminated special waste to a landfill that is not on this list, you must obtain approval from the landfill and IDEM. Contact IDEM's Office of Solid and Hazardous Waste, Special Waste Section or CTAP for assistance.

The Brake & Clutch Repair section in Chapter 5 lists the special waste regulations that you must follow when working with or disposing of asbestos-contaminated material. For information on managing your oil-contaminated wipes and/or absorbent materials, see the Wipes section and the Sorbents section in Chapter 5.

Note that you may manage the sludge from your used oil storage tank and some types of oil-contaminated absorbent materials under the Used Oil Rule rather than managing them as a special waste or a hazardous waste. Following the Used Oil Rule will simplify your regulatory requirements. See the *Oil* section in Chapter 5 for more information on managing your used oil, wipes, and other absorbent materials under the Used Oil Rule.